



**Association of Public-Safety Communications Officials-International  
International Association of Chiefs of Police  
International Association of Fire Chiefs  
Major Cities Chiefs Association  
Major County Sheriffs' Association  
National Sheriffs' Association**

May 17, 2004

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20500

**RE: Docket WT 02-55 - 800 MHz Public Safety Interference**

Dear Chairman Powell:

We are writing to express our frustration with the current debate regarding the 800 MHz interference issue. Our primary concern on this issue is to address the very serious, and very dangerous, interference problems facing public safety users of the 800 MHz band. The "Consensus Plan" that we helped forge is designed to address those problems, and we are pleased with reports that the item now awaiting final Commission vote includes the key elements of the Plan, at least as it would apply to the 800 MHz band. Indeed, we understand that the Commission intends to enhance the Plan by providing greater assurances that the total cost of re-banding will be paid for by Nextel, without any requirement for local government funding.

However, action on the item appears to be stalled by the increasingly unproductive debate regarding replacement spectrum for Nextel. Our fear is that this debate will spiral downward and lead to regulatory paralysis.

We have not wavered from our support of the Consensus Plan, and we urge the Commission to proceed as quickly as possible to adopt an order that includes *all* of the principal elements of the Plan. Disgruntled parties may well seek judicial review of that order. However, that possibility must not deter the Commission from doing the right thing and adopting an order that will allow realignment of the 800 MHz band to commence immediately, notwithstanding pending litigation by parties uninvolved in the realignment.

This is not a proceeding about competitive advantages or disadvantages in the wireless industry. The overriding issue that must drive the Commission's decision is the elimination of interference that threatens the safety of first responders and the public they serve.

Respectfully,

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CC: Commissioner Kathleen Abernathy  
Commissioner Michael Copps  
Commissioner Jonathan Adelstein  
Commissioner Kevin Martin